

REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 1.112, are respectfully requested in light of the remarks which follow.

1. Status of the Claims

Claims 1-43 are pending and stand rejected as correctly noted in the Office Action Summary. By entry of this amendment, Claims 1-43 are amended. These amendments to the claims are supported at least by the claims as originally filed. Entry of these amendments is not believed to add any prohibited new matter. Applicants reserve the right to file a continuation application on any subject matter canceled by way of this or any amendment filed for the instant application.

Applicants note at the outset that the Office Action states that Claims 1-43 are deemed free of the prior art and would be allowable if rewritten.

Furthermore, the Examiner has cited the following patents as indicative of the state of the art at the time of the claimed invention: Reinherdt *et al.* (U.S. Patent No 4,252,621), Oxley *et al.* (U.S. Patent No. 5,705,048), and Martin *et al.* (U.S. Patent No. 6,071,398). The Examiner also has indicated that the claimed invention is free of the references.

2. Rejections under 35 U.S.C. § 112, Second Paragraph

Claims 1-25 stand rejected under 35 U.S.C. § 112, second paragraph, as purportedly being vague and indefinite.

A. Claim 1

Claim 1 stands rejected for not reciting positive steps as required for a method claim. Applicants have amended Claim 1 to recite positive steps thereby mooting the rejection.

Claim 1 also stands rejected for the recitation of "the same" at line 12 of Claim 1. Applicants have deleted the phrase and replaced it with "the copper-containing acid solution", thereby mooting the rejection.

B. Claim 5

Claim 5 stands rejected for reciting the phrase "closed process". Applicants assert that the original phrase of "closed process" would have been readily understood by the artisan of ordinary skill to be a process or an operation which is performed in a closed circuit or loop. Nevertheless, Applicants have amended Claim 5 to recite a "closed circuit" thereby mooting the rejection in an effort to expedite prosecution. However, as these terms are analogous, said amendment should not be construed as altering the scope of the claim.

C. Claims 6, 7, 28 and 29

Claims 6, 7, 28 and 29 stand rejected as the meaning of "ratio" is allegedly not set forth. Claim 6 has been amended to recite "flow:copper content of said acid solution is $>0.3:1$ ". This phrase is supported in the specification at least at page 6, lines 13-14. Claim 28 has been amended to recite "flow:copper content of said acid solution is $>0.5:1$ ". This phrase is supported in the specification at least at page 6, lines 13-14. Claims 7 and 29 have also been amended to recite "said ratio". Accordingly, in light of these amendments, the rejection with regard to these claims is mooted.

D. Claims 8-22 and 30-38

Claims 8-22 and 30-38 stand rejected as indefinite for lack of antecedent basis for the term "plating" so that the step of "pulse plating" cannot further limit what is not clearly claimed, since a step of "plating" is not claimed in Claim 1. Claims 8, 9, 15, 16, 18, 19, 21, 24, 30, 38, 40, and 43 (and any claims dependent thereon) have been amended to recite "electroplating" instead of "plating". Support for this amendment can be found at least in

original Claim 1. As "electroplating" has antecedent basis in Claim 1, the rejection stands mooted.

E. Claim 23

Claim 23 stands rejected for recitation of "alkaline substance" and "organic material". Applicants note that Claim 23 do not have these phrases recited within the body of the claim. Applicants note that Claim 21 does recite these phrases. Applicants have amended Claim 21 to recite "any content" with respect to both phrases. Accordingly, Applicants assert that given the amendments to Claim 21 and status of Claim 23, the rejection of Claim 23 should be withdrawn.

F. Claims 22, 23, 41, and 42

Claims 22, 23, 41 and 42 stand rejected as indefinite for the recitation of "reduction(-s)". Applicants have amended the claims to delete the term and replace it with "reductions". Accordingly, the rejection is believed to be mooted by the amendment.

G. Claims 24 and 43

Claims 24 and 43 stand rejected for the recitation of "colloidal copper" as indefinite as the term allegedly lacks antecedent basis. Applicants have amended the claims to recite "any colloidal copper" thereby obviating antecedent basis for the term in a prior claim. Accordingly, the rejection is believed to be mooted by the amendment.

H. Claim 25

Claim 25 stands rejected for recitation of the phrase "extractors of the type" as being indefinite. Applicants have amended the claim to delete the phrase "of the type" thereby obviating the rejection.

The remaining claims amendments have been made to better describe the claimed invention and to remove language which is not typically accepted in U.S. practice (*e.g.*, "characterised by" and changing all the dependent claims to recite "The method").

In view of the above amendments to the claims, Applicants assert the rejections under 35 U.S.C. § 112, second paragraph have been obviated, and thus the rejections should respectfully be withdrawn.

CONCLUSION

In view of the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order. Such action is earnestly solicited.

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned attorney concerning such questions so that prosecution of this application may be expedited.

In the event any further fees are due to maintain pendency of this application, the Examiner is authorized to charge such fees to Deposit Account No. 02-4800.

Respectfully submitted,

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